Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
January 30, 2018	Industry Sheriff's Station	☐	☐

Incident Information

URN: 017-04301-1440-055	Date: April 9, 2017	Time: 1256	
City or Station: La Puente CA 91744	Nature of Incident: Deputy Merrick attempted a traffic stop for vehicle code violations. The armed driver fled into a residence. The passenger reached for his waistband and a Deputy Involved Shooting occurred.		
Location: [redacted] Maplegrove Street			

Location Type (*check one or more*):
- ☐ Backyard
- ☐ Beach
- ☐ Business
- ☐ Freeway
- ☐ Industrial
- ☐ Park
- ☑ Parking Lot
- ☑ Residence
- ☐ Rural
- ☐ School
- ☐ Street
- Other:

Lighting (*check only one*):
- ☐ Darkness
- ☑ Daylight
- ☐ Other
- ☐ Street Lights

Weather (*circle only one*):
- ☑ Clear
- ☐ Cloudy
- ☐ Fog
- ☐ Rain

Distance:

Incident Type (*check one or more*):
- ☐ Accidental
- ☑ Armed Person
- ☑ Fleeing Suspect
- ☐ Foot Pursuit
- ☐ Gun Take Away
- ☐ Moving Vehicle
- ☐ Sniper/Ambush
- ☐ Startle
- ☐ Struggle Involved
- ☑ Traffic Stop
- ☑ Unarmed Person
- ☐ Unintentional
- ☐ Vehicle Pursuit
- ☐ Warrant Service
- ☐ Warning Shot
- Other:

Initiated by (*check only one*):
- ☐ Arrest Warrant
- ☐ Call
- ☐ Observation
- ☑ One Person Unit
- ☐ Other
- ☐ Search Warrant
- ☐ Two Person Unit

Prior Activity (*check only one*):
- ☐ Detective
- ☐ Inmate Transport
- ☐ Other
- ☑ Routine Patrol

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
1	0	☐	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
				☐ EM ☐ PM ☐ Day	☐ Regular ☐ Overtime ☐ Off Duty
				☐ EM ☐ PM ☐ Day	☐ Regular ☐ Overtime ☐ Off Duty
				☐ EM ☐ PM ☐ Day	☐ Regular ☐ Overtime ☐ Off Duty

Non-Employee Witnesses

Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph [redacted]	Home Ph [redacted]	
Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Addr[redacted]	City [redacted]	Zip [redacted]	Work Ph N/A	H[redacted]	
Last Name [redacted]		First Name [redacted]		M.I.	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph N/A	Home Ph [redacted]	

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)
[redacted]	[redacted]	[redacted]	[redacted]	☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting
				☐ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Morales	Joseph	P.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Parga	Carlos	L.

PSTD Use Only

SH # 2425038

Officer Involved Shooting

RN: 017-04301-1440-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
April 9, 2017	1546	1-30-2018	N/A

Employee #	Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	Dang	Luan	
[redacted]	Mannion	Patrick	J.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	UC					NN	
E#1	S#1	FH	SS	9	Y	Y	NN	

Officer Involved Shooting
Involved Employee Information

URN: 017-04301-1440-055

Involved Employee

E 1

Employee #: [redacted] | Last Name: Merrick | First Name: Shawn | M.I.: P.

Sex: M | Race: W | Rank: Deputy | Unit Assignment: Industry Station | Work Assignment (Unit #, Module, etc.): 144B

ShiftTime (*circle only one*): ☐ EM ☐ PM ☑ Day | ShiftType (*circle only one*): ☐ Regular ☑ Overtime ☐ Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: None

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: N/A | Interviewed? ☑

Hrs of sleep prior to shooting: 4 - 6 | Duty Time (hrs): [redacted] | Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest | Other Factors: None

Age: [redacted] | Height: 511 | Weight: 185

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] | Number of Prior Shootings: [redacted] | Directed Force: [redacted]

Weapons Fired Brand: Sig Sauer | Caliber: 9mm | # Shots: 1 | Weapons Fired Brand: | Caliber: | # Shots:

Field Training Officer Emp #: [redacted] | Last Name: [redacted] | First Name: [redacted] | M.I.: [redacted]

Field Training Officer Emp #: [redacted] | Last Name: [redacted] | First Name: [redacted] | M.I.:

E

Employee #: | Last Name: | First Name: | M.I.:

Sex: | Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day | ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings: | Directed Force: ☐

Weapons Fired Brand: | Caliber: | # Shots: | Weapons Fired Brand: | Caliber: | # Shots:

Field Training Officer Emp #: | Last Name: | First Name: | M.I.:

Field Training Officer Emp #: | Last Name: | First Name: | M.I.:

E

Employee #: | Last Name: | First Name: | M.I.:

Sex: | Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day | ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings: | Directed Force: ☐

Weapons Fired Brand: | Caliber: | # Shots: | Weapons Fired Brand: | Caliber: | # Shots:

Field Training Officer Emp #: | Last Name: | First Name: | M.I.:

Field Training Officer Emp #: | Last Name: | First Name: | M.I.:

See Other Side

Officer Involved Shooting Suspect Information

URN: 017-04301-1440-055

Suspect Information

S 1

Last Name: Soto		First Name: Robert	M.I.:
AKA Last Name: None given		First Name:	M.I.:
Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: None	Home Phone: None	Social Security #: Unknown	Driver's License #: [redacted]
Age: 29 D.O.B. 1/14/1988	Height: 511 Weight: 215	FBI #: [redacted]	CII #: [redacted]
Booking # 4956455	Primary Charge: 245(d)(1) P.C.	Secondary Charge:	
Coroner Case? ☐	Coroner Case # N/A	Intoxication/Drug Usage? ☑	Substance Used: Marijuana
Armed? ☐	Apprehended? ☑	Mental Illness? ☐	Criminal History? ☑
Vehicle Make: Chevrolet	Model: Malibu	Year: 2012	Parole: [redacted] Probation: [redacted] Prior Felony Conviction: [redacted]

S 2

Last Name: Gonzalez		First Name: Brian	M.I.:
AKA Last Name: None Given		First Name:	M.I.:
Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: None	Home Phone: None	Social Security #: Unknown	Driver's License #: [redacted]
Age: 27 D.O.B. 7/16/1989	Height: 605 Weight: 250	FBI #: [redacted]	CII #: [redacted]
Booking # 4956451	Primary Charge: 25850(c)(4) P.C.	Secondary Charge:	
Coroner Case? ☐	Coroner Case # N/A	Intoxication/Drug Usage? ☐	Substance Used: N/A
Armed? ☑	Apprehended? ☑	Mental Illness? ☐	Criminal History? ☑
Vehicle Make: Chevrolet	Model: Malibu	Year: 2012	Parole: [redacted] Probation: [redacted] Prior Felony Conviction: [redacted]

S

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make	Model:	Year:	Parole: Probation: Prior Felony Conviction:

S

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make	Model:	Year:	Parole: Probation: Prior Felony Conviction:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES

Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT: **On-duty, Non-Hit Shooting**

IAB FILE NUMBERS: **SH 2425038**

URN#: **017-04301-1440-055**

DATE/TIME: **April 9, 2017, 1256 hours**

LOCATION: [redacted] **Maplegrove Street, Valinda, CA**

On April 9, 2017, Internal Affairs Bureau (IAB) Sergeants Patrick Mannion, [redacted] and Luan Dang responded to the unincorporated county area of Valinda, to investigate an on-duty non-hit shooting incident involving Deputy Shawn Merrick. Sergeant [redacted] was the handling investigator.

Sergeant Patrick Mannion confirmed the Incident Commander, Lieutenant Carlos Parga, took reasonable steps to ensure the scene was secure. In addition, Sergeant Mannion checked to see if the incident commander took reasonable steps to have the involved deputy remain in the company of a supervisor until he provided a statement to the assigned investigators.

SYNOPSIS

Deputy Merrick was working dayshift patrol at Industry Sheriff's Station when he saw a Chevrolet Malibu (henceforth referred to as the Malibu) travelling at a high rate of speed (22350(a) CVC), northbound on Aileron Avenue.

> **IAB Note:** Many written reports made reference to the Malibu's color as "gold." The vehicle color appeared to be greyish-brown. In year 2012, Chevrolet Malibu had a "Titanium" paint option, and it appeared to be the actual color of this vehicle.

The driver of the Malibu (later identified as Suspect Brian Gonzalez) failed to stop for a stop sign (22450(a) CVC) at the intersection of Fairgrove Avenue and Aileron Avenue. He drove northbound on Aileron Avenue. Deputy Merrick attempted to conduct a traffic stop for the above vehicle code violation, when Suspect Gonzalez turned west into a parking lot, which is located at [redacted] Maplegrove Street.

IAB Note: There are two structures at this corner lot address. The first structure is a [redacted] store. The second structure is a detached one-bedroom residence. The house is located on the [redacted] and [redacted]" The front door of the house faces [redacted] while the front door of the "[redacted] faces [redacted] Both structures are separated by a small covered patio, and both have the same address ([redacted] Maplegrove Street).

Suspect Gonzalez immediately stopped his car in front of the house, just south of the "[redacted]" Deputy Merrick stopped his patrol car approximately five feet behind the Malibu. Suspect Gonzalez exited the Malibu and ignored Deputy Merrick's orders to remain seated inside the Malibu. When Suspect Gonzalez turned his body, Deputy Merrick saw a gun handle partially protruding from Suspect Gonzalez' waistband. Suspect Gonzalez ran into the house and closed the front door. Deputy Merrick initiated emergent radio traffic with his portable radio, when the right front passenger (later identified as Suspect Robert Soto) exited the vehicle with his hands near his waistband. Deputy Merrick ordered Suspect Soto to show his hands, but Suspect Soto also ignored Deputy Merrick's commands.

Suspect Soto walked to the front of the Malibu while looking at Deputy Merrick. Once Suspect Soto reached the front of the Malibu, he turned to face Deputy Merrick. From his position, Deputy Merrick could no longer see Suspect Soto's hands or waistband area, because the lower half of Suspect Soto's body was hidden behind the Malibu. Deputy Merrick was still able to see Suspect Soto's upper arms. He saw Suspect Soto place his arms together and straighten them downward while he lowered his shoulders as though he was taking a shooting stance. Deputy Merrick interpreted Suspect Soto's actions as an attempt to gain tactical advantage by using the Malibu as cover to engage in a gun fight against him. Fearing for his life, Deputy Merrick fired one round from his duty weapon at Suspect Soto.

Suspect Soto immediately dropped to the ground next to the passenger side of the Malibu with his hands in front of him. Deputy Merrick immediately advised over his portable radio that he had been involved in a shooting and requested assistance to his location. Deputy Merrick repositioned himself from the driver's door of his patrol car to the passenger side of his patrol car, where he could clearly see Suspect Soto. He also used his patrol car for cover between himself and the house where Suspect Gonzalez had entered with a handgun. Deputy Merrick held Suspect Soto at gunpoint from behind his patrol car until assisting units arrived.

During the initial detention of Suspect Soto, Witness [redacted] (Witness [redacted]) exited the house. Both Witness [redacted] and Suspect Soto were safely handcuffed and detained without incident. Using the public address system, deputies ordered the occupants out of the residence. Suspect Gonzalez and

Witness [redacted] exited the residence, and they were detained without incident. All four detainees were later arrested and transported to Industry Sheriff's Station for booking. Operation Safe Streets (OSS) detectives executed a search warrant at the location and recovered a portion of an AR-15 replica rifle that had a black pistol grip and black plastic removable magazine. No one was injured as a result of the shooting.

INVOLVED EMPLOYEE AND WORK HISTORY

Shawn P. Merrick, Deputy, #[redacted]
East Patrol Division
Industry Sheriff's Station

Work History

Date of Employment:	July 25, 2007
Date Assigned to Patrol/Industry Station:	June 1, 2014
Date Completed Patrol Training:	[redacted]
Prior Shooting incident(s):	[redacted]
Prior Founded Force Incidents:	[redacted]

Equipment Worn on Person

Class A Uniform, Long Sleeve
Ballistic vest
Sam Browne gun belt containing
Oleoresin Capsicum (OC) Spray
Two handcuff cases containing handcuffs
Sidearm; Sig Sauer P226, Legion, 9mm, containing one ammunition magazine
Magazine pouch containing three additional ammunition magazines
Back-Up weapon: Smith and Wesson, .38 caliber, five shot revolver
Department issued portable radio
Tourniquet
Keys

SUSPECT INFORMATION

Suspect #1: Robert Soto Booking #4956455
Male, Hispanic, DOB: January 14, 1988, 5'11", 215 pounds. Black / Brown
Address: [redacted]
CII# [redacted] MAIN# [redacted] FBI# [redacted] JAIN# [redacted]

Suspect Soto was on [redacted] at the time of this incident. He was out on bail for [redacted] His criminal history consisted of [redacted] He was a "Puente 13" gang

member. A copy of Suspect Soto's criminal history is included **[Exhibit A, pages 50-57]**.

Suspect #2: Brian Gonzalez Booking #4956451
Male, Hispanic, DOB: July 16, 1989, 6'05", 250 pounds. Black / Brown
Address: [redacted]
CII# [redacted] MAIN# [redacted] FBI# [redacted] JAIN# [redacted]

Suspect Gonzalez had [redacted] at the time of this incident. His criminal history consisted of [redacted] He was a "Puente 13" gang member. A copy of Suspect Gonzalez' criminal history is included **[Exhibit A, pages 80-97]**.

SUSPECT(S) INJURIES:

None.

DEPUTY PERSONNEL INJURIES

None.

PHYSICAL EVIDENCE

All physical evidence was located and collected under the direction of OSS Investigator [redacted] and IAB investigators. They were assisted by Forensic Identification Specialists Jackie Thompson # [redacted] and David Alonso # [redacted] of the Los Angeles County Sheriff's Department Crime Lab. For descriptions of the evidence collected and where it was collected, see the Crime Scene Investigation Reports **[EXHIBIT A, pages 100-110]**.

INVESTIGATOR'S OBSERVATIONS

Approximately three hours transpired from the time of the shooting to the time of arrival by IAB investigators.

IAB investigators noted the incident occurred in the asphalt parking lot south of the [redacted] Gang graffiti was seen on the fence across the street from the traffic stop and throughout Suspect Gonzalez' residence. IAB investigators took preliminary photographs of the scene prior to the arrival of Crime Lab personnel **[Exhibit F]**.

The Malibu (VIN# [redacted]) was parked facing west. Deputy Merrick's Los Angeles County Sheriff's Department black and white patrol car (CA Exempt License #1285442) was parked approximately five (5) feet behind the Malibu, with the front driver and passenger doors open. There was one (1) 9mm shell casing located near the left rear tire of the patrol car. To the west,

approximately seven (7) feet from the front bumper of the Malibu, was a single story-structure with beige stucco, [redacted] trim and a grey composite roof, which matched the paint scheme of the [redacted]" There were security bars on the east facing window, and a metal security screen covering the east facing front door of the location. Both the screen and the front door were open when IAB investigators arrived.

IAB Note: No external video cameras on the grocery store were noted.

There was a small surveillance camera mounted on southeast corner of the roof on the house Suspect Gonzalez ran into. It was pointing toward the Malibu and the patrol car. The camera was connected to a small monitor inside the residence, but there was no recording machine. On the north side of the residence, there was a metal security gate, which was painted green. The security gate provided privacy for the covered patio area between the residence and the "[redacted]" One apparent bullet hole was found in the security gate, which was approximately six feet above ground level. There was an apparent bullet hole in the blue tarp that was draping down behind the security gate. In the covered patio area, there was a small sofa wherein a portion of an AR-15 replica rifle with a black pistol grip and black plastic removable magazine was found.

An orange tarp with a possible bullet hole was located approximately 12 feet west of the security gate and the blue tarp. A short distance behind the orange tarp was a house ([redacted] with a possible bullet hole in the east exterior wall **[Exhibit A, page 4 and 30]**. The crime scene was photographed by personnel from the Los Angeles County Sheriff's Crime Lab **[Exhibit E].**

IAB Note: It appeared the bullet did not penetrate the interior wall of [redacted] A decision was made not to retrieve the bullet between the exterior and interior walls since it would destroy the existing stucco wall of the residence.

On January 26, 2018, IAB investigators drove to [redacted] Valinda, in an attempt to contact the residents regarding exterior video cameras noted in one of the supplemental reports **[Exhibit A, page 28]**. IAB investigators spoke with the owner - [redacted] ([redacted]). [redacted] employee - [redacted] ([redacted]), provided Chinese to English translation. Mr. [redacted] said he installed the video recording system about two months after the shooting incident occurred.

IAB investigators also noted new video cameras on the [redacted] grocery store. They contacted [redacted] ([redacted]), an employee of the "City Market." [redacted] said the owner of the store - [redacted] ([redacted]), installed the cameras approximately five or six months after the shooting incident

WEAPON USED BY DEPUTY MERRICK

Deputy Merrick fired one (1) round from his Department authorized, 9mm, Sig Sauer P226, semiautomatic pistol, serial number [redacted]A[redacted]. Forensic Identification Specialist II, David Alonso #[redacted] photographed and took possession of Deputy Merrick's duty weapon, magazine and the live FC 9mm rounds contained within. Senior Criminalist Phil Teramoto #[redacted] of the Scientific Services Firearms Identification Section examined the firearm and found it to be functional. One expended shell casing was recovered at the scene **[EXHIBIT A, page 105].**

Date last qualified: [redacted]
Date last trained with weapon: [redacted]

WEAPON USED BY SUSPECT SOTO

None.

PROPERTY DAMAGE

Refer to Item B and Item C of physical evidence regarding apparent bullet strikes to the green security gate, the blue tarp, the orange tarp and exterior wall of the residence located at [redacted] **[Exhibit A, page 105; Exhibit E - shooting scene photos]**.

CRIMINAL INVESTIGATION:

The criminal investigation into the shooting was handled by OSS Detective [redacted] No criminal charges were filed against Suspect Soto **[Miscellaneous Documents]**. Suspect Gonzalez was charged with resisting, delaying or obstructing a peace officer by the Los Angeles County District Attorney's Office, under 7WC02504.

LIGHTING AND WEATHER CONDITIONS

The incident occurred during daylight hours. The weather was clear, bright and sunny.

STATEMENTS

The following narratives are intended only as a synopsis of the interviews which have been paraphrased for clarification purposes. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews and verbatim transcriptions.

WITNESS STATEMENTS

IAB Sergeants [redacted] Luan Dang and the field personnel contacted the nearby residents and located some civilian witnesses, who only heard the gunshot, but did not see the actual shooting occur. Their statements were digitally recorded.

Witness [redacted]

Witness [redacted] was on the east side of Aileron Avenue looking over the back fence with a clear view of the traffic stop. He saw the deputy pull behind the Malibu. The driver of the Malibu exited the vehicle, and the deputy told him to stop. The driver looked at the deputy, ignored his commands and entered the residence. The passenger exited the vehicle, and the deputy told him to stop. The passenger kept "backing up", "acting weird," and "fidgeting around." He did not put his hands up as ordered and ignored the deputy's commands. The deputy fired one round, and the passenger went to the ground, where he began to follow the deputy's directions.

Witness [redacted]

Witness [redacted] was standing in his driveway when he heard what sounded like commands followed by a loud noise, which sounded like a gunshot. Witness [redacted] looked through the cracks in his fence and saw a deputy standing at the open driver's door of a patrol car. There was a male standing near the passenger side of the Malibu in front of the patrol car and his hands were not up. Witness [redacted] heard the deputy give commands for the male to get on his knees. He believed the male complied with the commands, because he did not see the male standing anymore. Afterward, Witness [redacted] heard sirens and then more deputies arrived along with a helicopter. The deputies ordered the residents to exit one by one, and they were detained without further incident.

> **IAB Note:** IAB investigators contacted Witness [redacted] Ms. [redacted] (DOB: [redacted] cell [redacted] and Ms. [redacted] (D.O.B. [redacted] cell [redacted]. Both of them were inside [redacted] when the shooting occurred. Ms. [redacted] stated she was in the shower and did not hear anything. Ms. [redacted] stated she was in the back bedroom when she heard what sounded like a can popping. She wasn't sure if she heard it once or twice.

Witness [redacted]

Witness [redacted] said Suspect Gonzalez moved into his house approximately two or three months prior to this shooting incident. Witness [redacted] declined to answer any questions about Suspect Gonzalez' gang affiliation, and Witness [redacted] said he was not in a gang.

Witness [redacted] claimed he had just awakened when Suspect Gonzalez came into his room and looked "a little spooked." Witness [redacted] heard commands coming from outside, and he knew right away it was the Sheriff's Department. Suspect Gonzalez told him to put on his (Suspect Gonzalez') pants, go outside and tell the deputies that the residence was his (Witness [redacted]) and inquire as to what was going on. Witness [redacted] put on Suspect Gonzalez' pants and was about to exit the bedroom when he heard the gunshot. Witness [redacted] said he was in the house, so he did not actually witness the shooting. When he opened the front door, Witness [redacted] saw a deputy standing by the driver's door of the patrol car. The deputy ordered him to get on the ground. Witness [redacted] complied. He also saw another male (Suspect Soto) lying on the ground in the prone position. Witness [redacted] claimed he did not know Suspect Soto. He said they were lying on the ground for approximately five minutes before other deputies arrived and detained them. Witness [redacted] cooperated with all of the deputies' instructions.

Witness [redacted] said he has never seen Suspect Gonzalez with a gun before. He denied being afraid of Suspect Gonzalez. He claimed to have respect for Suspect Gonzalez.

> **IAB Note:** Witness [redacted] admitted he had used methamphetamine and smoked marijuana the night before the shooting incident. During the detention, the deputies determined he was under the influence of a controlled substance. He was arrested and booked at Industry Sheriff's Station.

Witness [redacted]

Witness [redacted] said she has been living at the location for approximately one month. She stated she was asleep inside the residence when she heard what sounded like a gunshot. She started to fall asleep again when she heard announcements telling the occupants to exit the house. Witness [redacted] exited the residence, along with Suspect Gonzalez, as directed by the deputies. She followed the deputies' commands and was detained in the back seat of a patrol car for approximately an hour and a half. Witness [redacted] stated she never saw Suspect Gonzalez with a gun. She said Witness [redacted] lived at the location; however, she did not know if he was in the house earlier. She saw him (Witness [redacted]) sitting in the back seat of another patrol car when she was detained.

IAB Note: Witness [redacted] admitted she had smoke marijuana before the shooting incident. During the detention, the deputies determined she was under the influence of a controlled substance. She was arrested and booked at Industry Sheriff's Station.

SUSPECT STATEMENTS

Suspect Robert Soto

Suspect Soto stated he was recently out of jail on bail for violating a gang injunction. According to Suspect Soto, he was listed as an associate of a La Puente street gang, although Suspect Soto denied he was from a gang. Suspect Soto said he was in his girlfriend's car with "Fat Boy" (Suspect Gonzalez). Suspect Gonzalez was driving because he had a driver's license. Suspect Soto said Suspect Gonzalez had just parked the car in the driveway when the deputy pulled behind them with flashing lights. Suspect Soto and Suspect Gonzalez exited the car at the same time; however, Suspect Soto was moving slower than Suspect Gonzalez. Suspect Soto denied seeing Suspect Gonzalez enter the house. Suspect Soto said he was facing the deputy when his cell phone vibrated. He reached down to turn it off, and the deputy fired one round at him. Suspect Soto admitted he was wearing a black hoodie that was turned inside out. The hoodie had a center pocket, where he kept his cell phone. Suspect Soto claimed he was given commands to "freeze" and then the deputy fired the one (1) round at him. Suspect Soto obeyed the deputy's commands and went down to the ground with his hands stretched out wide. Seconds later, more deputies arrived and Suspect Soto was taken into custody. He claimed neither he nor Suspect Gonzalez had any weapons or drugs on them.

SUSPECT BRIAN GONZALEZ

Suspect Brian Gonzalez refused to be interviewed by investigators **[Exhibit A, page 33].**

INVOLVED EMPLOYEE DEPUTY SHAWN MERRICK

On April 9, 2017, IAB Sergeants [redacted] and Patrick Mannion inspected Deputy Merrick's duty weapon at Industry Sheriff's Station and conducted an ammunition count. Deputy Merrick's duty weapon was given to Forensic Identification Specialist (FIS) David Alonso of the Los Angeles County Sheriff's Department crime lab for processing. The process was audio recorded and transcribed.

On May 2, 2017, Deputy Merrick was interviewed by IAB Sergeants [redacted] and Patrick Mannion at the Internal Affairs Bureau. Deputy Merrick was represented by Mitchell Kander of the Green and Shinee law firm. For reference purposes, Deputy Merrick was presented with a map **[Exhibit B]**, a photograph

of his firearm [Exhibit C] and a photograph depicting his approximate view from the apex of the driver's side door of his patrol car toward the Malibu and the front of the house Suspect Gonzalez ran into **[Exhibit D].**

Deputy Merrick stated that on April 9, 2017, he was assigned to Industry Sheriff's Station, working as Unit 144B during on dayshift. He had worked his regularly assigned early morning shift, and was working dayshift overtime. He was at the intersection of Hayland Street and Aileron Avenue in his marked patrol car when he saw the Malibu travelling northbound at a high rate of speed on Aileron Avenue. The driver, Suspect Gonzalez, failed to stop at the stop sign at Fairgrove Avenue and Aileron Avenue. Deputy Merrick attempted to conduct a traffic stop by activating his forward facing red and blue lights near the area of Harvest Moon Street.

Suspect Gonzalez drove approximately 200 feet and pulled into a parking lot on the [redacted] side of Aileron Avenue. Suspect Gonzalez stopped in front of a house, behind the [redacted] store. The Malibu had tinted windows, so Deputy Merrick could not tell how many occupants were inside the vehicle. Deputy Merrick stopped his patrol car behind the Malibu. He exited his patrol car and saw the driver's door of the Malibu begin to open. Deputy Merrick gave verbal commands, telling the driver [Suspect Gonzalez] to stay inside the vehicle. Suspect Gonzalez exited the Malibu and bladed his body toward Deputy Merrick. Deputy Merrick saw the grip of a black handgun in the front of Suspect Gonzalez' waistband. Suspect Gonzalez ignored Deputy Merrick, ran into the house, and closed the front door behind him. Deputy Merrick stood at the apex of the driver's door of his patrol car and transmitted emergent radio traffic **[Exhibit G]** when the passenger [Suspect Soto] exited the front passenger door of the Malibu. Suspect Soto slowly walked to the front of the Malibu with his hands near his waistband. Deputy Merrick ordered Suspect Soto to put his hands up, but he refused to comply. Since the driver possessed a handgun and refused to comply with his orders, Deputy Merrick believed Suspect Soto was armed as well because his hands were positioned near his waistband and he also refused to comply with Deputy Merrick's commands.

Suspect Soto maintained eye contact with Deputy Merrick the entire time and did not appear as though he intended to flee. Deputy Merrick believed Suspect Soto was moving behind the vehicle for cover and felt that Suspect Soto intended to kill him. Deputy Merrick repeatedly ordered Suspect Soto to put up his hands; however, Suspect Soto ignored him. Suspect Soto positioned himself behind the engine area of the Malibu with his hands and waistband out of view. Deputy Merrick could still see Suspect Soto's upper arms. He looked directly at Deputy Merrick, placed his arms together, straightened his arms downward and lowered his shoulders. Deputy Merrick believed Suspect Soto was taking a shooting stance and preparing to raise a firearm. Fearing for his life and cognizant of the backdrop, Deputy Merrick fired one (1) round from his duty weapon at Suspect

Soto from an estimated distance of 30 feet with his right hand. Deputy Merrick said he was using his left hand to talk on his portable radio (Merrick, page 19).

Suspect Soto immediately dropped to the ground out of Deputy Merrick's view. Deputy Merrick did not fire any additional rounds. Deputy Merrick was unaware if Suspect Soto was injured by the bullet. Fearing an ambush from Suspect Gonzalez who was still inside the residence, Deputy Merrick moved behind the patrol car to the apex of the front passenger door. This new position provided Deputy Merrick with cover from the residence and a better view of Suspect Soto, who was now lying in a prone position on the ground by the passenger side of the Malibu. Deputy Merrick ordered Suspect Soto to stay on the ground until assisting units arrived. Deputy Merrick never went past the front doors of his patrol car during the entire incident. Suspect Soto and the occupants of the residence were later detained without incident.

ADDITIONAL INFORMATION

Weapons Training Staff Instructor, Deputy Joey Stoker #[redacted] was contacted by email regarding the 20 round, aftermarket, "Mec-Gar" magazines purchased and used by Deputy Merrick while on patrol. A photograph of Deputy Merrick's firearm and the magazine it contained was included **[Exhibit C]**. According to Deputy Stoker, the magazines are authorized by the Department **[Miscellaneous Documents]**.